GAHC010041112020

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.L.P. 13/2020

1:EMPLOYEES STATE INSURANCE CORPORATION
REGIONAL OFFICE, BAMUNIMAIDAN, GUWAHATI-21

VERSUS

1:M/S BISWAS AND SONS AND ANOTHER
MOTOR STAND, TRIPURA(W), AGARTALA-799001

2:SHRI. ARGHAJIT BISWAS
PARTNER
M/S BISWAS AND SONS
MOTOR STAND
TRIPURA(W)
AGARTALA-799001

Advocate for the Petitioner : MR. K K NANDI

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 24-02-2020

Heard Mr. K. K. Nandi, learned counsel for the applicant.

By this application under Section 378(4), Code of Criminal Procedure, 1973, special leave has been sought for to prefer an appeal against the judgment and order dated 11.11.2019 passed by the learned Chief Judicial Magistrate, Kamrup(M), Guwhati, Assam in C.R. Case No. 1314^{C}/2014, whereby, the opposite party no. 1 and opposite party no. 2 have been acquitted of offence under Section 85(a) of the Employees State Insurance (ESI) Act,

1948. The opposite party no. 1 is a partnership firm which used to run a petrol pump and the opposite party no. 2 is one of the partners of the said partnership firm. The petrol pump operated by opposite party no. 1 stood closed during the subsequent period but the offences relate to a period during which the said petrol pump was operating and the opposite parties had not deposited of contribution required to made statutorily under the ESI Act, 1948. It is therefore, contended that the trial Court had wrongly acquitted the opposite parties.

Having due regard to the projection made on behalf of the applicant and having perused the impugned judgment and order dated 11.11.2019 passed by the Chief Judicial Magistrate, Kamrup(M) at Guwahati in C.R. Case No. 1314^{C}/2014, I deem it fit to grant special leave to appeal.

Registry to register the connected appeal and list the matter for admission accordingly.

This application is accordingly, stands disposed of.

JUDGE

Comparing Assistant